Maxims Of Law

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1. Accidents and Injury

a). An act of YHWH does wrong to no one.

b). The act of YHWH does no injury; that is, no one is responsible for inevitable accidents.

c). No one is held to answer for the effects of a superior force, or of an accident, unless his own fault has contributed.

d). The execution of law does no injury.

e). An action is not given to one who is not injured.

f). An action is not given to him who has received no damages.

g). He who suffers a damage by his own fault, has no right to complain.

h). Mistakes, neglect, or misconducts are not to be regarded as accidents.

i). Whoever pays by mistake what he does not owe, may recover it back; but he who pays, knowing he owes nothing; is presumed to give.

j). What one has paid knowing it not to be due, with the intention of recovering it back, he cannot recover back. [If the TAX OFFICE accuses you of owing them money, if you want to go to court to dispute it, you must pay them in full what they demand and then sue them to get it back. Which places the burden of proof upon the accused rather than the accuser]

k). No man ought to be burdened in consequence of another's act.

l). There may be damage or injury inflicted without any act of injustice.

m). Not every loss produces and injury.

n). A personal injury does not receive satisfaction from a future course of proceeding.

o). Wrong is wiped out by reconciliation.

p). An injury is extinguished by the forgiveness or reconcilement of the party injured. [Luke 17:3-4, 2 Corinthians 2:7-8]

2. Benefits and Privileges

a). Favours from government often carry with them an enhanced measure of regulation.

b). Any one may renounce a law introduced for his own benefit.

c). No one is obliged to accept a benefit against his consent.

d). He who receives the benefit should also bear the disadvantage.

e). He who derives a benefit from a thing, ought to feel the disadvantages attending it.

f). He who enjoys the benefit, ought also to bear the burden.

g). He who enjoys the advantage of a right takes the accompanying disadvantage.

h). A privilege is, as it were, a private law.

i). A privilege is a personal benefit and dies with the person.

j). One who avails himself of the benefits conferred by statute cannot deny its validity.

k). What I approve I do not reject. I cannot approve and reject at the same time. I cannot take the benefit of an instrument, and at the same time repudiate it.

l). He who does any benefit to another for me is considered as doing it to me.

3. Commerce

a). *Caveat emptor* (let the buyer beware).

b). Let the purchaser beware.

c). Let the seller beware.

d). The payment of the price stands in the place of a sale.

e). The payment of the price of a thing is held as a purchase.

f). Goods are worth as much as they can be sold for.

g). Mere recommendation of an article does not bind the vendor of it.

h). It is settled that there is to be considered the home of each one of us where he may have his habitation and account-books, and where he has made an establishment of his business.

i). No rule of law protects a buyer who willfully closes his ears to information, or refuses to make inquiry when circumstances of grave suspicion imperatively demand it.

j). Let every one employ himself in what he knows.

k). He at whose risk a thing is done, should receive the profits arising from it.

l). Usury is odious in law. [Exodus 22:25, Leviticus 25:36-37, Nehemiah 5:7,10, Proverbs 28:8, Ezekiel 18:8,13,17; 22:12]

4. Common Sense

a). When you doubt, do not act.

b). It is a fault to meddle with what does not belong to or does not concern you.

c). Many men know many things, no one knows everything.

d). One is not present unless he understands.

e). It avails little to know what ought to be done, if you do not know how it is to be done.

f). He who questions well, learns well.

g). What ever is done in excess is prohibited by law.

h). No one is bound to give information about things he is ignorant of, but every one is bound to know that which he gives information about.

i). No man is bound to have foreknowledge of a Divine or a future event.

j). No one is bound to arm his adversary.

5. Consent and Contracts

a). Consent makes the law. A contract is a law between the parties, which can acquire force only by consent.

b). Consent makes the law: the terms of a contract, lawful in its purpose, constitute the law as between the parties.

c). To him consenting no injury is done.

d). **He who consents cannot receive an injury.**

e). Consent removes or obviates a mistake.

f). He who mistakes is not considered as consenting.

g). **Every consent involves a submission; but a mere submission does not necessarily involve consent.**

h). A contract founded on a base and unlawful consideration, or against good morals, is null.

i). One who wills a thing to be or to be done cannot complain of that thing as an injury.

j). The agreement of the parties makes the law of the contract.

k). **The contract makes the law.**

l). Agreements give the law to the contract.

m). The agreement of the parties overcomes or prevails against the law.

n). Advice, unless fraudulent, does not create an obligation.

o). No action arises out of an immoral consideration.

p). No action arises on an immoral contract.

q). In the agreements of the contracting parties, the rule is to regard the intention rather than the words.

r). The right of survivorship does not exist among merchants for the benefit of commerce.

s). When two persons are liable on a joint obligation, if one makes default the other must bear the whole.

t). **You ought to know with whom you deal.**

u). He who contracts, knows, or ought to know, the quality of the person with whom he contracts, otherwise he is not excusable.

v). He who approves cannot reject.

w). If anything is due to a corporation, it is not due to the individual members of it, nor do the members individually owe what the corporation owes.

x). **Agreement takes the place of the law: the express understanding of parties supercedes such understanding as the law would imply.**

y). Manner and agreement overrule the law.

z). The essence of a contract being assent, there is no contract where assent is wanting.

6. Court and Pleas

a). There can be no plea of that thing of which the dissolution is sought.• A false plea is the basest of all things.

b). There can be no plea against an action which entirely destroys the plea.

c). **He who does not deny, admits.** [A well-known rule of pleading]

d). No one is believed in court but upon his oath.

e). An infamous person is repelled or prevented from taking an oath.

f). In law none is credited unless he is sworn. All the facts must, when established by witnesses, be under oath or affirmation.

g). An act of the court shall oppress no one.

h). The practice of a court is the law of the court.

i). There ought to be an end of law suits.

j). It concerns the commonwealth that there be an end of law suits.

k). It is for the public good that there be an end of litigation.

l). A personal action dies with the person. This must be understood of an action for a tort only.

m). Equity acts upon the person.

n). **No one can sue in the name of another.**

7. Court Appearance [This is why we should avoid voluntarily appearing in court]

a). **No one can sue in the name of another.**

b). **A general appearance cures antecedent irregularity of process, a defective service, etc.**

c). Certain legal consequences are attached to the voluntary act of a person.

d). The presence of the body cures the error in the name; the truth of the name cures an error in the description

e). An error in the name is immaterial if the body is certain.

f). An error in the name is nothing when there is certainty as to the person.

g). The truth of the demonstration removes the error of the name.

h). **Crime and Punishment**

i). A madman is punished by his madness alone.

j). The instigator of a crime is worse than he who perpetrates it.

k). **They who consent to an act, and they who do it, shall be visited with equal punishment.**

l). Acting and consenting parties are liable to the same punishment.

m). No one is punished for his thoughts.

n). **No one is punished for merely thinking of a crime.**

o). He who has committed iniquity, shall not have equity.

p). He who is once bad, is presumed to be always so in the same degree.

q). He who is once criminal is presumed to be always criminal in the same kind or way.

r). Whatever is once bad, is presumed to be so always in the same degree.

s). **He who does not forbid a crime while he may, sanctions it.**

t). He who does not blame, approves.

u). He is clear of blame who knows, but cannot prevent.

v). **No one is to be punished for the crime or wrong of another.**

w). **No guilt attaches to him who is compelled to obey.**

x). Gross negligence is held equivalent to intentional wrong.

y). Misconduct binds its own authors. It is a never-failing axiom that everyone is accountable only for his own offence or wrong.

z). In offenses, the will and not the consequences are to be looked to.

aa). It is to the intention that all law applies.

bb). The intention of the party is the soul of the instrument.

cc). Every act is to be estimated by the intention of the doer.

dd). **An act does not make a man a criminal, unless his intention be criminal.**

ee). An act does not make a person guilty, unless the intention be also guilty. This maxim applies only to criminal cases; in civil matters it is otherwise.

ff). In offenses, the intention is regarded, not the event.

gg). The intention amounts to nothing unless some effect follows.

hh). Take away the will, and every action will be indifferent.

ii). Your motive gives a name to your act.

jj). An outlaw is, as it were, put out of the protection of the law.

kk). Vainly does he who offends against the law, seek the help of the law.

ll). Drunkenness inflames and produces every crime.

mm). Drunkenness both aggravates and reveals every crime.

nn). He who sins when drunk shall be punished when sober.

oo). Punishment is due if the words of an oath be false.

pp). **A prison is established not for the sake of punishment, but of detention and guarding.**

qq). **Those sinning secretly are punished more severely than those sinning openly.**

rr). Punishment ought not to precede a crime.

ss). **If one falsely accuses another of a crime, the punishment due to that crime should be inflicted upon the perjured informer.** [Deuteronomy 19:18]

8. Customs and Usages

a). **Long time and long use, beyond the memory of man, suffices for right.**

b). Custom is the best expounder of the law.

c). Custom is another law.

d). A prescriptive and legitimate custom overcomes the law.

e). **Custom leads the willing, law compels or draws the unwilling.**

f). Usage is the best interpreter of things.

g). Custom is the best interpreter of laws.

h). What is done contrary to the custom of our ancestors, neither pleases nor appears right.

i). Where two rights concur, the more ancient shall be preferred.

9. Expressions and Words

a). Where two rights concur, the more ancient shall be preferred.

b). **The meaning of words is the spirit of the law.** [Romans 8:2]

c). The propriety of words is the safety of property.

d). **It is immaterial whether a man gives his assent by words or by acts and deeds.**

e). It matters not whether a revocation be by words or by acts.

f). What is expressed renders what is implied silent.

g). An unequivocal statement prevails over an implication.

h). In ambiguous expressions, the intention of the person using them is chiefly to be regarded.

i). The expression of those things which are tacitly implied operates nothing.

j). The expression of one thing is the exclusion of another.

k). A general expression is to be construed generally.

l). A general expression implies nothing certain.

m). General words are understood in a general sense.

n). **When the words and the mind agree, there is no place for interpretation.**

o). Every interpretation either declares, extends or restrains.

p). **The best interpretation is made from things preceding and following; i.e., the context.**

q). Words are to be interpreted according to the subject-matter.

r). He who considers merely the letter of an instrument goes but skin deep into its meaning.

s). Frequently where the propriety of words is attended to, the meaning of truth is lost.

t). Words are to be taken most strongly against him who uses them.

u). Multiplicity and indistinctness produce confusion; and questions, the more simple they are, the more lucid.

v). When two things repugnant to each other are found in a will, the last is to be confirmed.

w). Bad or false grammar does not vitiate a deed or grant.

x). Many things can be implied from a few expressions.

y). Language is the exponent of the intention.

z). **Words are indicators of the mind or thought.**

aa). Speech is the index of the mind. [James 1:26]

bb). Laws are imposed, not upon words, but upon things.

10. Fictions

a). A fiction is a rule of law that assumes something which is or may be false as true.

b). **Where truth is, fiction of law does not exist.**

c). There is no fiction without law.

d). Fictions arise from the law, and not law from fictions

e). Fiction is against the truth, but it is to have truth.

f). In a fiction of law, equity always subsists.

g). **A fiction of law injures no one.**

h). Fiction of law is wrongful is it works loss or injury to any one.

11. Fraud and Deceit

a). **It is safer to be deceived than to deceive.**

b). **A deceiver deals in generals.**

c). Fraud lies hid in general expressions.

d). A concealed fault is equal to a deceit.

e). Out of fraud no action arises.

f). A forestaller is an oppressor of the poor, and a public enemy to the whole community and the country.

g). It is a fraud to conceal a fraud.

h). Gross negligence is equivalent to fraud.

i). Once a fraud, always a fraud.

j). **What otherwise is good and just, if it be sought by force and fraud, becomes bad and unjust.**

k). He is not deceived who knows himself to be deceived.

l). Let him who wishes to be deceived, be deceived.

m). He who does not prevent what he can, seems to commit the thing.

n). He who does not prevent what he can prevent, is viewed as assenting.

o). He who does not forbid what he can forbid, seems to assent.

p). He who does not forbid, when he might forbid, commands.

q). **He who does not repel a wrong when he can, induces it.**

r). Often it is the new road, not the old one, which deceives the traveler.

s). Deceit is an artifice, since it pretends one thing and does another.

12. YHWH and FAITH

a). **If ever the law of YHWH and man are at variance, the former are to be obeyed in derogation of the later.** [Acts 5:29]

b). That which is against Divine Law is repugnant to society and is void.

c). He who becomes a soldier of HaMessiah has ceased to be a soldier of the world. [2 Timothy 2:3-4]

d). Where the Divinity is insulted the case is unpardonable.

e). Human things never prosper when divine things are neglected.

f). No man is presumed to be forgetful of his eternal welfare, and particularly at the point of death.

g). The church does not die.

h). That is the highest law which favors religion.

i). The law is from everlasting.

j). He who acts badly, hates the light.

k). He who does not willingly speak the truth, is a betrayer of the truth.

l). **He who does not speak the truth, is a traitor to the truth.**

m). The truth that is not sufficiently defended is frequently overpowered; and he who does not disapprove, approves.

n). Suppression of the truth is equivalent to the expression of what is false.

o). Truth, by whomever pronounced, is from YHWH.

p). Truth fears nothing but concealment.

q). We can do nothing against truth. [2 Corinthians 13:8]

r). Truth is the mother of justice.

s). To swear is to call YHWH to witness, and is an act of religion.

t). Earlier in time, is stronger in right. First in time, first in right.

u). He who is before in time, is preferred in right.

v). **What is first is truest; and what comes first in time, is best in law.**

w). No man is ignorant of his eternal welfare.

x). All men know YHWH. [Hebrews 8:11]

y). **The cause of the Church is a public cause.**

z). **The Law of YHWH and the law of the land are all one, and both favor and preserve the common good of the land.**

aa). No man warring for YHWH should be troubled by secular business.

bb). What is given to the church is given to YHWH.

13. Governments and Jurisdiction

a). **That which seems necessary for the king and the state ought not to be said to tend to the prejudice of liberty of the [HaMessiah's] ekklesia.**

b). **The power which is derived [from YHWH] cannot be greater than that from which it is derived [YHWH]**. [Romans 13:1]

c). **The order of things is confounded if every one preserves not his jurisdiction [in and of HaMessiah]**.

d). Jurisdiction is a power introduced for the public good, on account of the necessity of dispensing justice.

e). Every jurisdiction has its own bounds.

f). The government cannot confer a favor which occasions injury and loss to others.

g). A minor ought not to be guardian of a minor, for he is unfit to govern others who does not know how to govern himself.

h). The government is to be subject to the law, for the law makes government.

i). The law is not to be violated by those in government.

14. Heirs

a). **YHWH, and not man, make the heir.** [Romans 8:16]

b). YHWH alone makes the heir, not man.

c). Co-heirs are deemed as one body or person, by reason of the unity of right which they possess. [Romans 8:17, Ephesians 5:31-32]

d). **No one can be both owner and heir at the same time.**

e). An heir is either by right of property, or right of representation.

f). An heir is the same person with his ancestor. [Because the ancestor, during his life, bears in his body (of law) all his heirs].

g). 'Heir' is a collective name or noun [so it is not private, and has no private rights].

h). Several co-heirs are as one body, by reason of the unity of right which they possess. [Romans 8:17, Ephesians 5:31-32]

i). The law favors a man's inheritance.

j). Heir is a term of law, son one of nature.

k). An heir is another self, and a son is a part of the father.

l). The heir succeeds to the restitution not the penalty.

15. Judges and Judgment

a). Let justice be done, though the heavens should fall.

b). One who commands lawfully must be obeyed.

c). **Whoever does anything by the command of a judge is not reckoned to have done it with an evil intent, because it is necessary to obey.** [Isaiah 33:22, "For the YHWH is our judge…"]

d). Where a person does an act by command of one exercising judicial authority, the law will not suppose that he acted from any wrongful or improper motive, because it was his bounden duty to obey.

e). A judgment is always taken as truth.

f). If you judge, understand.

g). It is the duty of a good judge to remove the cause of litigation. [Acts 18:12-16]

h). The end of litigation is justice.

i). To a judge who exceeds his office or jurisdiction no obedience is due.

j). One who exercises jurisdiction out of his territory is not obeyed with impunity.

k). A twisting of language is unworthy of a judge.

l). A good judge decides according to justice and right, and prefers equity to strict law.

m). Of the credit and duty of a judge, no question can arise; but it is otherwise respecting his knowledge, whether he be mistaken as to the law or fact.

n). It is punishment enough for a judge that he is responsible to YHWH. [Psalms 2:10-12, Romans 13]

o). That is the best system of law which confides as little as possible to the discretion of the judge.

p). That law is the best which leaves the least discretion to the judge; and this is an advantage which results from certainty.

q). He is the best judge who relies as little as possible on his own discretion.

r). Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty.

s). He who decides anything, a party being unheard, though he should decide right, does wrong.

t). He who spares the guilty, punishes the innocent. [Mark 15:6-15, Luke 23:17-25, John 18:38-40]

u). The judge is condemned when a guilty person escapes punishment.

v). What appears not does not exist, and nothing appears judicially before judgment.

w). It is improper to pass an opinion on any part of a sentence, without examining the whole.

x). Hasty justice is the step-mother of misfortune.

y). Faith is the sister of justice.

z). Justice knows not father not mother; justice looks at truth alone.

aa). **A judge is not to act upon his personal judgment or from a dictate of private will, but to pronounce according to law and justice.**

bb). No one should be judge in his own cause.

cc). No one can be at once judge and party.

dd). **A judge is to expound, not to make, the law.**

ee). It is the duty of a judge to declare the law, not to enact the law or make it.

ff). Definite, legal conclusions cannot be arrived at upon hypothetical averments.

gg). A judge is the law speaking. [the mouth of the law]

hh). A judge should have two salts: the salt of wisdom, lest he be insipid; and the salt of conscience, lest he be devilish.

ii). He who flees judgment confesses his guilt.

jj). No man should be condemned unheard.

kk). The judge is counsel for the prisoner.

ll). Everyone is presumed to be innocent until his guilt is established beyond a reasonable doubt.

mm). Justice is neither to be denied nor delayed.

nn). It is the property of a Judge to administer justice, not to give it.

oo). Justice is an excellent virtue, and pleasing to the Most High.

16. Law

a). A maxim is so called because its dignity is chiefest, and its authority most certain, and because universally approved of all.

b). All law has either been derived from the consent of the people, established by necessity, confirmed by custom, or of Divine Providence.

c). Nothing is so becoming to authority [YHWH] as to live according to the law [of YHWH].

d). He acts prudently who obeys the commands of the Law. [Ecclesiastes 12:13]

e). Law is the safest helmet; under the shield of the law no one is deceived. [Ephesians 6:13-17, 1 Thessalonians 5:8]

f). An argument drawn from authority [scripture] is the strongest in law.

g). An argument drawn from a similar case, or analogy, avails in law.

h). That which was originally void, does not by lapse of time become valid.

i). The law does not seek to compel a man to do that which he cannot possibly perform.

j). The law requires nothing impossible.

k). The law compels no one to do anything which is useless or impossible.

l). No one is bound to do what is impossible

m). Impossibility excuses the law.

n). No prescription runs against a person unable to act.

o). The law shall not, through the medium of its executive capacity, work a wrong.

p). The law does wrong to no one.

q). An act of the law wrongs no man.

r). The law never works an injury, or does him a wrong.

s). The construction of law works not an injury.

t). An argument drawn from what is inconvenient is good in law, because the law will not permit any inconvenience.

u). Nothing inconvenient is lawful.

v). Nothing against reason is lawful.

w). **The law which governs corporations is the same as that which governs individuals [YHWHless entities].**

x). Nothing against reason is lawful.

y). The laws sometimes sleep, but never die.

z). A contemporaneous exposition is the best and most powerful in the law.

aa). The law never suffers anything contrary to truth.

bb). Law is the dictate of reason.

cc). The law does not notice or care for trifling matters.

dd). **It is a miserable slavery where the law is vague or uncertain.**

ee). It is a wretched state of things when the law is vague and mutable.

ff). Examples illustrate and do not restrict the law.

gg). The disposition of law is firmer and more powerful than the will of man.

hh). Law is established for the benefit of man. [Mark 2:27]

ii). To be able to know is the same as to know. This maxim is applied to the duty of every one to know the law.

jj). We may do what is allowed by law.

kk). Ignorance of fact may excuse, but not ignorance of law.

ll). Ignorance of facts excuses, ignorance of law does not excuse.

mm). In a doubtful case, that is the construction of the law which the words indicate.

nn). In doubt, the gentler course is to be followed.

oo). In doubt, the safer course is to be adopted.

pp). In a deed which may be considered good or bad, the law looks more to the good than to the bad.

qq). In things favored what does good is more regarded than what does harm.

rr). In all affairs, and principally in those which concern the administration of justice, the rules of equity ought to be followed.

ss). In ambiguous things, such a construction is to be made, that what is inconvenient and absurd is to be avoided.

tt). Law is the science of what is good and evil.

uu). **The law punishes falsehood.**

vv). Reason and authority are the two brightest lights in the world.

ww). The reason of the law is the soul of the law.

xx). The reason ceasing, the law itself ceases.

yy). When the reason, which is the soul of a law, ceases to exist, the law itself should lose its operative effect.

zz). In default of the law, the maxim rules.

aaa). **Human laws are born, live and die.**

bbb). **It is a perpetual law that no human or positive law can be perpetual.**

ccc). If you depart from the law you will wander without a guide and everything will be in a state of uncertainty to every one. [Joshua 1:8]

ddd). Where there is no law there is no transgression, as it regards the world. [Romans 4:15]

eee). Everything is permitted, which is not forbidden by law.

fff). All rules of law are liable to exceptions. [Matthew 12:1-5]

ggg). What is inconvenient or contrary to reason, is not allowed in law.

hhh). The laws serve the vigilant, not those who sleep upon their rights.

iii). Relief is not given to such as sleep on their rights.

jjj). Nothing unjust is presumed in law.

kkk). Acts required by law to be done, admit of no qualification.

lll). To know the laws, is not to observe their mere words, but their force and power. [John 6:68]

mmm). We are all bound to our lawgiver, regardless of our personal interpretation of reality. [Isaiah 33:22, James 4:12]

nnn). Legality is not reality

ooo). The law sustains the watchful.

ppp). Those awake, not those asleep, the laws assist. [1 Timothy 1:9]

qqq). Legal remedies are for the active and vigilant.

rrr). What is good and equal, is the law of laws.

sss). Whose right it is to institute, his right it is to abrogate.

ttt). Laws are abrogated or repealed by the same authority by which they are made.

uuu). The civil law is what a people establishes for itself. [It is not established by YHWH]

vvv). Many things have been introduced into the common law, with a view to the public good, which are inconsistent with sound reason. [The law of merchants was merged with the common law]

www). The people is the greatest master of error.

xxx). A man may obey the law and yet be neither honest nor a good neighbor.

yyy). To investigate [inquire into] is the way to know what things are truly lawful. [2 Timothy 2:15]

zzz). Those who do not preserve the law of the land, they justly incur the awesome and indelible brand of infamy. An exception to the rule should not destroy the rule.

aaaa). Laws should bind their own maker.

bbbb). Necessity overrules the law.

cccc). Necessity makes that lawful which otherwise is not lawful.

dddd). Things which are tolerated on account of necessity ought not to be drawn into precedents.

eeee). It has been said, with much truth, "Where the law ends, tyranny begins."

17. Marriage

a). The law favors dower; it is the reward of chastity; therefore let it be preserved. [Exodus 22:17]

b). Husband and wife are considered one person in law. [Genesis 2:24]

c). A wife is not her own mistress, but is under the power of her husband.

d). The union of a man and a woman is of the law of nature.

e). Marriages ought to be free.

f). All things which are of the wife, belong to the husband. [Genesis 3:16]

g). Although the property may be the wife's, the husband is the keeper of it, since he is the head of the wife.

h). Consent, and not cohabitation, makes the marriage.

i). Insanity prevents marriage from being contracted, because consent is needed.

j). A wife follows the domicile of her husband.

k). Husband and wife cannot be a witness for, or against, each other, because of the union of person that exists.

l). The right of blood and kindred cannot be destroyed by any civil law. [Acts 17:26-28] Children are the blood of their parents, but the father and mother are not of the blood of the children.

18. Officers

a). Ignorance of the Law does not excuse misconduct in anyone, least of all a sworn officer of the law.

b). Summonses or citations should not be granted before it is expressed under the circumstances whether the summons ought to be made.

c). A delegated power cannot be again delegated. A deputy cannot appoint a deputy.

d). An office ought to be injurious to no one.

e). A neglected duty often works as much against the interests as a duty wrongfully performed.

f). Failure to enforce the law does not change it.

g). It is contrary to the Law of Nations to do violence to Ambassadors.

h). An Ambassador fills the place of the king by whom he is sent, and is to be honored as he is whose place he fills.

i). The greatest enemies to peace are force and wrong.

j). Force and wrong are greatly contrary to peace.

k). Force is inimical to the laws.

19. Possession

a). No one gives who does not have.

b). No one can give what he does not own.

c). One cannot transfer to another a right which he has not.

d). He gives nothing who has nothing.

e). Two cannot possess one thing each in entirety.

f). A gift is rendered complete by the possession of the receiver.

g). What is mine cannot be taken away without my consent.

h). He that gives never ceases to possess until he that receives begins to possess.

i). A person in possession is not bound to prove that the possessions belong to him.

j). Things taken or captured by pirates and robbers do not change their ownership.

k). Things which are taken from enemies immediately become the property of the captors.

l). It is one thing to possess, it is another to be in possession.

m). Possession of the termer, possession of the reversioner.

20. Property and Land

a). Land lying unoccupied is given to the first occupant.

b). What belongs to no one, naturally belong to the first occupant.

c). Possession is a good title, where no better title appears.

d). **Long possession produces the right of possession, and takes away from the true owner his action.**

e). When a man has the possession as well as the right of property, he is said to have *jus duplicatum* - a double right, forming a complete title.

f). **Rights of dominion are transferred without title or delivery, by prescription, *to wit*, long and quiet possession.**

g). Possessor has right against all men but him who has the very right.

h). Enjoy your own property in such a manner as not to injure that of another person.

i). He who owns the soil, owns up to the sky.

j). **The owner of a piece of land owns everything above and below it to an indefinite extent.**

k). Of whom is the land, of him is it also to the sky and to the deepest depths; he who owns the land owns all above and all below the surface.

l). Every person has exclusive dominion over the soil which he absolutely owns; hence such an owner of land has the exclusive right of hunting and fishing on his land, and the waters covering it.

m). Every man's house is his castle.

n). A citizen cannot be taken by force from his house to be conducted before a judge or to prison.

o). The habitation of each one is an inviolable asylum for him.

p). Whatever is affixed to the soil belongs to it.

q). Rivers and ports are public, therefore the right of fishing there is common to all.

r). Land comprehends any ground soil, or earth whatsoever; as meadows, pastures, woods, moors, waters, and marshes.

21. Right and Wrong

a). A right cannot arise from a wrong.

b). You are not to do evil that good may come of it.

c). **It is not lawful to do evil that good may come of it.**

d). That interpretation is to be received, which will not intend a wrong.

e). It is better to suffer every wrong or ill, than to consent to it.

f). **It is better to recede than to proceed wrongly.**

g). To lie is to go against the mind.

h). The multitude of those who err is no excuse for error. [Exodus 23:2]

i). No one is considered as committing damages, unless he is doing what he has no right to do.

j). No one shall take advantage of his own wrong.

k). No man ought to derive any benefit of his own wrong.

l). No one ought to gain by another's loss.

m). No one ought to enrich himself at the expense of others.

n). No one can improve his condition by a crime.

o). He who uses his legal rights, harms no one.

p). **An error not resisted is approved.**

q). He who is silent appears to consent.

r). Things silent are sometimes considered as expressed.

s). To conceal is one thing, to be silent another.

t). **Concealment of the truth is (equivalent to) a statement of what is false.**

u). Suppression of fact, which should be disclosed, is the same in effect as willful misrepresentation.

v). Evil is not presumed.

w). It is safer to err on the side of mercy.

22. Scriptural

a). **Unequal things ought not to be joined.** [2 Corinthians 6:14] Things unite with similar things.

b). The law is no respecter of persons. [Acts 10:34] Time runs against the slothful and those who neglect their rights. [Proverbs 24:30-31]

c). Debts follow the person of the debtor.

d). **The most favorable construction is made in restitutions.** [Exodus 22:5-6,12]

e). Where damages are given, the losing party should pay the costs of the victor.

f). **In many counselors there is safety.** [Proverbs 11:14; 15:22; 24:6]

g). **Remove the foundation, the structure or work fall.** [Luke 6:48-49]

h). A legacy is confirmed by the death of the testator, in the same manner as a gift from a living person is by delivery alone. [Hebrews 9:16]

i). The will of a testator is ambulatory (alterable, revocable) up to his death. [Hebrews 9:16-17]

j). Every will is completed at death. A will speaks from the time of death only. [Hebrews 9:16-17]

k). The last will of a testator is to be fulfilled according to his real intention.

l). To insult YHWH is an unpardonable offense. [Matthew 12:31]

m). Women are excluded from all civil and public charges or offices. [1 Timothy 2:12, 1 Corinthians 14:34].

n). He who is in the womb, is considered as born, whenever it is for his benefit. [Job 31:15, Isaiah 49:1,5, Jeremiah 1:5]

o). He who first offends, causes the strife. [Matthew 5:22]

p). He who pays tardily, pays less than he ought. [Leviticus 19:13, Deuteronomy 24:14-15]

q). **The beaten path is the safe path; the old way is the safe way.** [Jeremiah 6:16]

r). **A workman is worthy of his hire** (Exodus 20:15; Leviticus. 19:13; Matthew. 10:10; Luke 10:7; II Timothy 2:6. **Legal Maxim**: "It is against equity for freemen not to have the free disposal of their own property.").

s). **All are equal under the Law** (YHWH'S LAW--Ethical and Natural Law). (Exodus 21:23-25; Leviticus 24:17-21; Deuteronomy 1:17, 19:21; Matthew 22:36-40; Luke 10:17; Colosians 3:25. **Legal Maxims**: "No one is above the law."; "Commerce, by the law of nations, ought to be common, and not to be converted into a monopoly and the private gain of a few.").

t). **In Commerce truth is sovereign** (Exodus 20:16; Psalms 117:2; Matthew 6:33, John 8:32; II Corinthians 13:8. **Legal Maxim**: "To lie is to go against the mind."

u). **Truth is expressed by means of an affidavit** (Leviticus 5:4-5; Leviticus 6:3-5; Leviticus 19:11-13; Numbers 30:2; Matthew 5:33; James 5:12).

v). **An unrebutted affidavit stands as the truth in Commerce** (1 Peter 1:25; Hebrew 6:13-15. **Legal Maxim**: "He who does not deny, admits.").

w). **An unrebutted affidavit becomes the judgment in Commerce** (Hebrew 6:16-17. Any proceeding in a court, tribunal, or arbitration forum consists of a contest, or "duel," of commercial affidavits wherein the points remaining unrebutted in the end stand as the truth and the matters to which the judgment of the law is applied.).

x). **A matter must be expressed to be resolved** (Hebrew 4:16; Philippians. 4:6; Ephesians. 6:19-21. **Legal Maxim**: "He who fails to assert his rights has none.").

y). **He who leaves the field of battle first loses by default** (Book of Job; Matthew 10:22. Legal maxim: "He who does not repel a wrong when he can, occasions it.").

z). **Sacrifice is the measure of credibility** (One who is not damaged, put at risk, or willing to swear an oath that he consents to claim against his commercial liability in the event that any of his statements or actions is groundless or unlawful, has no basis to assert claims or charges and forfeits all credibility and right to claim authority.) (Acts 7, life/death of Stephen, maxim: "He who bears the burden ought also to derive the benefit.").

aa). **A lien or claim can be satisfied only through rebuttal by Counter-affidavit point-for-point, resolution by jury, or payment** (Genesis 2-3; Matthew 4; Revelation. **Legal Maxim**: "If the plaintiff does not prove his case, the defendant is absolved.").

23. Servants and Slaves

a). Whatever is acquired by the servant, is acquired for the master.

b). **A slave is not a person.**

c). **A slave, and everything a slave has, belongs to his master.**

d). He who acts by or through another, acts for himself.

e). He who does anything through another, is considered as doing it himself.

f). The master is liable for injury done by his servant.

g). **He is not presumed to consent who obeys the orders of his father or his master.**

24. Wisdom and Knowledge

a). If you know not the names of things, the knowledge of things themselves perishes; and of you lose the names, the distinction of the things is certainly lost.

b). Names are mutable, but things immutable.

c). Names of things ought to be understood according to common usage, not according to the opinions of individuals.

d). A name is not sufficient if a thing or subject for it does not exist by law or by fact.

e). Not to believe rashly is the nerve of wisdom.

f). Reason is a ray of the Divine Light. [Isaiah 1:18]

g). Abundant caution does no harm.

h). External acts indicate undisclosed thoughts.

i). External actions show internal secrets.

j). **Outward acts evince the inward purpose.**

k). You will perceive many things more easily by practice than by rules.

l). Remove the cause and the effect will cease.

m). Give the things which are yours whilst they are yours; after death they are not yours.

25. Witnesses and Proof

a). A witness is a person who is present at and observes a transaction. [The government only has over persons, not substance. Any video tape, audio tape, computer printout, etc. that are used as witnesses

b). The answer of one witness shall not be heard. [Deuteronomy 19:15]

c). The testimony of one witness, unsupported, may not be enough to convict; for there may then be merely oath against oath.

d). This is a maxim of the civil law, where everything must be proved by two witnesses. [Matthew 18:16, 2 Corinthians 13:1]

e). In law, none is credited unless he is sworn. All facts must, when established by witnesses, be under oath or affirmation.

f). A confession made in court is of greater effect than any proof.

g). No man is bound to produce writings against himself.

h). No one can be made to testify against himself or betray himself.

i). No one is bound to accuse himself.

j). No one ought to accuse himself, unless before YHWH.

k). One making a voluntary confession, is to be dealt with more mercifully.

l). He ought not to be heard who advances a proposition contrary to the rules of law.

m). False in one (particular), false in all.

n). Deliberate falsehood in one matter will be imputed to related matters.

o). He who alleges contradictory things is not to be listened to.

p). Proofs are to be weighed not numbered; that is, the more worthy or credible are to be believed. [It doesn't matter how many men say something, because the Word of YHWH is superior to all. It does not matter how many people believe a lie, it's still a lie. And in a democracy, a lie is the truth].

q). A presumption will stand good until the contrary is proved.

r). The presumption is always in favor of the one who denies.

s). All things are presumed to be lawfully done and duly performed until the contrary is proved.

t). When the plaintiff does not prove his case, the defendant is absolved.

u). When opinions are equal, a defendant is acquitted.

v). An act done by me against my will is not my act.

w). What does not appear and what is not is the same; it is not the defect of law, but the want of proof.

x). The faculty or right of offering proof is not to be narrowed.

y). The latter decisions are stronger in law.

z). No one is restrained from using several defenses.

aa). No one is bound to inform about a thing he knows not, but he who gives information is bound to know what he says.

bb). No one is bound to expose himself to misfortune and dangers.

cc). Plain truths need not be proved.

dd). What is clearly apparent need not be proved.

ee). One eye witness is better than ten ear ones.

ff). An eye witness outweighs others.

gg). What appears to the court needs not the help of witnesses.

hh). It is in the nature of things, that he who denies a fact is not bound to prove it.

ii). The burden of proof lies upon him who affirms, not on him who denies.

jj). The claimant is always bound to prove: the burden of proof lies on him.

kk). Upon the one alleging, not upon him denying, rests the duty of proving.

ll). Upon the plaintiff rests the proving – the burden of proof.

mm). The necessity of proving lies with him who makes the charge.

nn). When the law presumes the affirmative, the negative is to be proved.

oo). When the proofs of facts are present, what need is there of words.

pp). It is vain to prove that which if proved would not aid the matter in question.

qq). Facts are more powerful than words.

rr). Negative facts are not proof.

ss). Witnesses cannot testify to a negative; they must testify to an affirmative.

tt). Better is the condition of the defendant, than that of the plaintiff.

uu). What is not proved and what does not exist are the same; it is not a defect of the law, but of proof.

vv). Principles prove, they are not proved.

ww). There is no reasoning of principles.

xx). All things are presumed to have been done in due and solemn form.

26. Miscellaneous

a). He who has the risk has the dominion or advantage.

b). There is no disputing against a man denying principles.

c). The immediate, and not the remote cause, is to be considered.

d). A consequence ought not to be drawn from another consequence.

e). He who takes away the means, destroys the end.

f). He who destroys the means, destroys the end.

g). He who seeks a reason for everything, subverts reason.

h). Every exception not watched tends to assume the place of the principle.

i). Where there is a right, there is a remedy.

j). For every legal right the law provides a remedy.

k). He who uses the right of another [belonging to HaMessiah] ought to use the same right [of HaMessiah]. [In other words, don't use something new, or something outside of HaMessiah].

l). Liberty is an inestimable good.

m). All shall have liberty to renounce those things which have been established in their favor.

n). Power is not conferred, but for the public good.

o). Power ought to follow, not to precede justice.

p). To know properly is to know the reason and cause of a thing.

q). The useful by the useless is not destroyed.

r). Where there is no act, there can be no force.

s). One may not do an act to himself.

t). A thing done cannot be undone.

u). No man is bound for the advice he gives.

v). He who commands a thing to be done is held to have done it himself.

w). When anything is commanded, everything by which it can be accomplished is also commanded.

x). The principal part of everything is the beginning.

y). To refer errors to their origin is to refute them.

z). The origin of a thing ought to be inquired into.

aa). Human nature does not change with time or environment.

bb). Anger is short insanity.

cc). It is lawful to repel force by force, provided it be done with the moderation of blameless defense, not for the purpose of taking revenge, but to ward off injury.

dd). The status of a person is his legal position or condition.

ee). A person is a man considered with reference to a certain status.

ff). The partner of my partner is not my partner.

gg). Use is the master of things, experience is the mistress of things.

hh). Protection draws to it subjection, subjection, protection.

ii). Error artfully colored is in many things more probable than naked truth; and frequently error conquers truth and reasoning.